

# **PLAINTIFF'S EXHIBIT LL**

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1 that there is really very little to connect the defendant to  
2 the shooting at this juncture in the case. What other  
3 evidence the State may have, of course, I have no knowledge  
4 about.

5           Perhaps there was an identification -- I guess  
6 there was an identification by Ricky Warner's father  
7 regarding some threats, a period of time several months or a  
8 year prior; but I have no evidence at all of any eyewitness  
9 in any witness/suspect confrontation making an  
10 identification of the defendant nor do -- as the shooter, as  
11 the offender. Nor, while I do have I believe enough to  
12 infer that some identification of the defendant was made at  
13 the lineup relative to alleged prior threats I have no  
14 evidence at all of the events surrounding that identifica-  
15 tion. why he made the identification, other than it was an  
16 accurate identification.

17           So based on the fact that I have neither evidence  
18 of a witness/suspect confrontation involving this defendant  
19 and any alleged witnesses to the shooting which brings the  
20 defendant before me and based on the evidence that I have  
21 which is no evidence regarding the circumstances surrounding  
22 the identification of Ricky Warner's father at the lineup,  
23 not a scintilla of evidence surrounding that except that it  
24 was a lineup confrontation, I have to deny the Motion to